IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21683 of 2000

DATED: 24.1.2007

Between:
A.P. Projects and Construction Employees & Mazdoor Union
And others
petitioners

And

The Chairman & Managing Director,
APGENCO, Vidyut Soudha, Hyderabad & ors
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 21683 OF 2000

ORAL ORDER:

The present writ petition is filed seeking a direction to respondents to absorb the petitioners 2 to 85 in the Srisailam Left Bank Hydro Electric Scheme, A.P.Generation Corporation, Mahaboobnagar district.

The petitioners claim that they are continuously working as contract workers under various contractors and discharging perennial nature of works in the respondent organization and are entitled for regularization.

A counter affidavit is filed specifically stating that petitioners 2 to 85 are not working in E&M wing of APGENCO and there is no relationship of master and servant and that they may be working with other contractors in other types of works. It is stated that respondent corporation has recruited Operation and Maintenance staff to attend the operation and maintenance works. It is also stated that the workmen employed on contract to attend to the works not covered by major agreements were regularized with effect from 1.11.2000 and the petitioners 2 to 85 are not entitled for regular absorption as there is no master and servant relationship.

In **Steel Authority of India Limited vs. National Water Front Workers**[1] the apex Court held that the determination of the questions as to whether the contract of employment of labour is a genuine one or a mere ruse/camouflage to evade the provisions of beneficial labour legislation, require inquiry into disputed questions of facts, which cannot conveniently be made by the High Courts in exercise of their jurisdiction under Article 226 of the Constitution, and the appropriate authority to go into those issues was the Industrial Tribunal/Court whose

determination will be amenable to judicial review.

In view of the above, this Court cannot go into the factual aspects as to whether the petitioners were engaged in perennial nature of works and whether there is any relationship of master and servant between the petitioners 2 to 85 and the respondent organization. The same has to be established by independent enquiry before the appropriate forum.

Following the judgment of the apex Court in **Steel Authority of India Limited vs. National Water Front Workers**, a learned single Judge of this Court disposed of a batch of similar writ petitions in W.P. No. 16865 of 1991, by judgment dated 27.09.2002, granting liberty to the petitioners to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization. In fact, following the said judgment, other learned Judges of this Court, disposed of several batch of writ petitions with similar directions.

In the circumstances, following the aforesaid judgment and for the reasons mentioned therein, I deem it appropriate to dispose of this writ petition with the following directions:

The petitioners are at liberty to approach the labour authorities under the Industrial Disputes Act, 1947 for the relief of absorption/regularization of their services with the respondents.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 24.1.2007

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THE HON'BLE MR JUSTICE N.V. RAMANA

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[1] 2001 (6) ALD 1